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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CAROL J. QUITMEYER,

Defendant.

No. CR 07-0296 MAG

**BENCH TRIAL STIPULATIONS**

Trial Date: June 23, 2008  
Time: 10:30 a.m.  
Court: The Honorable Nandor J. Vadas

**FILED**

JUN 23 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Defendant, Carol J. Quitmeyer, seeking to preserve an appeal on her motion to suppress, hereby enters into the following factual stipulations with the United States for a bench trial on this matter. Accordingly, both parties stipulate and agree to the following facts and evidence, and further stipulate and agree that the government exhibits referenced herein are authentic and admissible under the Federal Rules of Evidence, subject to Defendant's objections regarding the admissibility of evidence that was recovered in violation of the Fourth Amendment or that was fruit from the unlawful seizure, as set forth in more detail in defendant's motion to suppress, which was heard and decided by the Court on December 4, 2007.

It is Defendant's position that the evidence referred to in Paragraphs 1 and 2, including United States Exhibit 1 and other evidence not referenced herein, should have been suppressed pursuant to her motion; however, subject to this constitutional challenge, Defendant agrees that

Stipulation of Facts: Bench Trial  
CR 07-0296 MAG

1 the evidence listed herein is otherwise admissible and legally sufficient to establish the  
2 Defendant's factual guilt of the charges in the Information.

3 COUNT ONE: 36 C.F.R. § 4.23(a)(1) - Operating a Motor Vehicle Under the Influence of  
4 Alcohol

5 COUNT TWO: 36 C.F.R. § 4.23(a)(2) - Operating a Motor Vehicle With A Blood Alcohol  
6 Content over 0.08%

7 1. If called to the witness stand, United States Park Ranger Michael Hardin would testify that on  
8 January 13, 2007, he was on patrol at the security area at the north anchorage of the Golden  
9 Gate Bridge when he observed a red Volkswagon, bearing California license plate number  
10 3DCD497, enter the Lime Point Gate area at Fort Baker. Ranger Hardin would further testify  
11 that as of January 13, 2007, concrete barriers had been placed in the road in front of the Lime  
12 Point Gate in a serpentine formation. Ranger Hardin would further testify that he observed  
13 the automobile in question enter the barrier area and drive approximately halfway through the  
14 barriers, after which the automobile attempted to turn around by pulling forward and backing  
15 up three to five times, as if to make a series of three point turns. Ranger Hardin would  
16 further testify that as he approached the Volkswagon on foot, he flashed his flashlight at the  
17 vehicle, yelled out for the driver to stop, and that the vehicle did not stop its movement.  
18 Ranger Hardin would further testify that he walked up to the vehicle and knocked on the  
19 passenger side window, and that the driver of the vehicle rolled down the window. Ranger  
20 Hardin would further testify that he identified the driver by means of a California driver's  
21 license, No. C6244521, as the defendant, Carol Quitmeyer. Ranger Hardin would further  
22 testify that Ms. Quitmeyer responded to his questions in a slow, deliberate tempo; that she  
23 had bloodshot eyes, and that she stated that she had imbibed "a few drinks" containing  
24 alcohol. Ranger Hardin would then testify that he asked Ms. Quitmeyer to perform standard  
25 field sobriety tests, and that Ms. Quitmeyer voluntarily undertook the testing. Ranger Hardin  
26 would then testify that Ms. Quitmeyer's performance on the tests indicated to him that she  
27 was under the influence of alcohol, and that he arrested her. Ranger Hardin would then  
28 testify that Ms. Quitmeyer was transported to the San Francisco County Jail so a blood

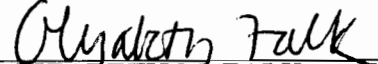
1 sample could be drawn to check her blood alcohol level.

2 2. If called to the stand, Forensic Alcohol Supervisor Glenda M. Easterling of the San Francisco  
 3 Police Department would testify that she is a forensic toxicologist qualified to perform  
 4 analyses pursuant to Title 17 of the California Code of Regulations, and that as a part of the  
 5 regular course of her duties, she routinely tests human blood and/or human tissue for the  
 6 presence of ethanol. Ms. Easterling would further testify that on January 18, 2007, she  
 7 received the three blood specimens drawn from Ms. Quitmeyer on January 13, 2007, and  
 8 performed tests in accordance with her official duties to determine whether Ms. Quitmeyer's  
 9 blood contained any ethanol. Ms. Easterling would further testify that at the time she  
 10 performed the tests on Ms. Quitmeyer's blood sample, the equipment she used to arrive at the  
 11 results of the test was in proper working order. Ms. Easterling would further testify that the  
 12 results of her tests indicate that Ms. Quitmeyer's blood sample contained .19% ethanol by  
 13 volume, and that she wrote a report in the course of her official duties memorializing her  
 14 findings. The parties stipulate and agree that United States' Exhibit 1 is a true and correct  
 15 copy of the toxicology report of Ms. Easterling, and that the report is authentic and  
 16 admissible under the Federal Rules of Evidence.


17 3. Ms. Quitmeyer further stipulates that road in front of the Lime Point Gate to the Golden Gate  
 18 Bridge at Fort Baker is an area administered by the National Park Service in the Northern  
 19 District of California.

20 **SO STIPULATED AND AGREED.**


21 DATED: June 23, 2008

  
 ELIZABETH M. FALK  
 Assistant Federal Public Defender

22  
 23  
 24 DATED: June 23, 2008

  
 WENNY THOMAS  
 Assistant United States Attorney

25  
 26 DATED: June \_\_, 2008

  
 CAROL J. QUITMEYER  
 Defendant

